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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,424	10/02/2000	Roy J. Mankovitz	MRJ-10202/03	4247
25006	7590	02/24/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/677,424

Applicant(s)

MANKOVITZ, ROY J.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Appeal filed on 10/28/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reopen Prosecution***

In view of the Appeal filed on 10/28/04, PROSECUTION IS HEREBY REOPENED.

New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is more than 150 words. Applicant is required to make appropriate correction.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura et al. (U.S.5,353,337) in view of Wang (pat. 6675385 B1).

Regarding claims 1, 10, 11 and 12, Tsumura et al. discloses, in fig. 1, a method of transmitting broadcast signals to a user over a telecommunications network (transmitting from transmitter 13D music/speech to a user 30 over telephone exchange 20) including the capability of determining whether the user's connection (connection 40) to the network (telephone exchange 20) is in an on-hook or off-hook condition (col.2, lines 40-55), the method comprising:

storing multiple groups of data at a provider site (site 11) on the network (a database 12 storing groups data X, Y, col.2, lines 65-67);  
transmitting the information (voice data, music signal) over the network (telephone exchange 20) regardless of whether the user's connection to the network is in an on-hook or off-hook condition (transmitting music data to telephone exchange 20 regardless the condition of switch 22 on telephone line 40, see col.4, lines 47-60);

Art Unit: 2662

receiving at least a portion of the information ( receiving data groups X and Y) at a user site (home 30) when the user's connection to the network is in an on-hook condition (Receiver 32 receiving data groups X, Y in form of broadcast signals when telephone receiver is on hook, col.3, lines 60-67, col.4, lines 47-57);

storing the received information at the user site (receiver 32B storing the data groups X, Y at home user 30, col.4, lines 8-14);

Tsumura et al. does not disclose repetitively transmitting the information over the network and updating the information as it is received.

Wang discloses, in Fig.2, a CATV headend 36 transmitting electronic program guide data over TV channels 48-48N overwhich the same content is repeated (repetitively transmitting the information over the network), see Abstract, col.5, lines 5-25 & col.4, lines 30-35. Wang further discloses updating the information as it is received (regardless of the channel currently being viewed, the settop box 24 continuously downloads channel guide and stores it in cache memory 52A-52D, see col.8, lines 50-60).

Therefore, it would have been obvious to one ordinary skilled in the art to substitute the transmitting site 11 of the Tsumura et al. with the headend 16 of Wang in order to repetitively transmit electronic program guide data over telephone exchange 20 and continuously update the program guide data at the users. By continuously caching the channel guide in advance, the settop box will have something to display immediately when viewers tune to any random channel.

Regarding claim 2, Tsumura discloses displaying the information at the user site (displaying broadcast signal on visual display means, col.6, lines 12-40)

Regarding claims 3 and 14, Tsumura et al. does not disclose encoding the information at the provider site prior to transmitting and decoding the information at the user site. Wang discloses, in fig.1, encoding the information at the provider site prior to transmitting ( data streamer 18 use encoder 20 to format the EPG data, see col.3, lines 40-45 & col.4, lines 8-15) and decoding the information at the user site ( decoder 26 at settop box 24decodes the received data streams, and reconstructs the EPG, see col.4, lines 40-48). Therefore, it would have been obvious to one ordinary skilled in the art to use the encoder 20 and decoder 26 in the Tsumura in order to retrieve encoded data at the receiver.

Regarding claim 4, Tsumura et discloses simultaneously transmitting the information to a plurality of user sites (simultanouslylly transmitting signals to all terminals at the same time, col.5, lines 1-18).

Regarding claims 5 and 16, Tsumura does not disclose delivering information to user over the network in wireless fashsion. Wang disclose the EPG data is broadcasted in direct broadcast satellite (DBS)(wireless network, see col.4, lines 62-67). Therefore, it would have been obvious to one of ordinary skilled in the art to modify Tsumura's method using the Wang DBS transmission medium to arrive at the claimed invention. One would have been motivated to make this modification in order to allow the use of the invention in the broadest manner within existing telecommunications networks.

Regarding claims 6 and 17, the limitations of these claims have been addressed in claim 1.

Regarding claims 7 and 18, Tsumura does not disclose transmitting the information in the form of serial data packets (data packets are transmitted from header 16, col.4, lines 10-

15); and reconstructing the packets at the user site (decoder 26 at settop box 24 decodes the received data streams, and reconstructs the EPG, see col.4, lines 40-48). Therefore, it would have been obvious to one ordinary skilled in the art to use the encoder 20 and decoder 26 in the Tsumura in order to retrieve encoded data at the receiver.

In claim 13, Tsumura discloses the user site (user home 30) further includes a television display (visual display mean, col.6, lines 12-25); and the storage device ( receiver 32B) is interfaced to the television display enabling the user to view the program schedule information. See Fig.1, col.4, lines 8-15.

Regarding claim 15, Tsumura discloses a single user site (user home 30) equipped with Splitter interfaced to the network (telephone exchange 20) for receiving broadcast signals from provider site 11. See Fig.1, col.2, lines 40-60.

Regarding claims 9 and 19, Tsumura does not disclose filtering out voice or data signals received over the network when the user's connection is in an off-hook condition. However, filtering out voice or data signals received over the network when the user's connection is in an off-hook condition is inherent to insure that there is no clash between voice on telephone 31 and data to the receiving means 32 that are jointly connected by the box shown in the user's house 30 of figure 1.

Regarding claims 8 and 20, Tsumura does not teach encrypting information prior to transmission and decyting the information at the user site. The official notice is taken that encryption and decryption is common knowledge and well known in the art of telecommunications.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellies et al. (Pat. 6604240 B2) discloses Interactive television Program Guide System with Operator Showcase.

Alten et al. (Pat. 5635978) discloses Electronic Television Program Guide channel System and Method.

Schein et al. (Pat. 6,323,911 B1) discloses System and Method for Using Television Schedule Information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

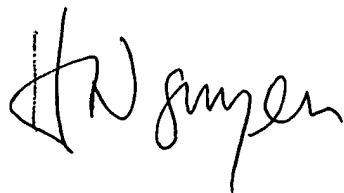
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 09/677,424

Page 8

Art Unit: 2662

A handwritten signature in black ink, appearing to read 'H Nguyen', with a stylized, cursive script.

**HANH NGUYEN**  
**PRIMARY EXAMINER**